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General Assembly

Fifty-fifth session

Official Records

101 st plenary meeting
Thursday, 31 May 2001, 3.00 p.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 3 p.m.

Agenda item 122 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations (A/55/745/Add.9)

The President: I should like to draw the attention of the General Assembly to document A/55/745/Add.9. In a letter contained in that document, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in document A/55/745 and addenda 1 to 8, Saint Vincent and the Grenadines has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in this document?

It was so decided.

Agenda item 8 *(continued)*

Adoption of the agenda of the fifty-fifth regular session of the General Assembly and organization of work: request for the reopening of the consideration of agenda item 32

The President: As indicated in the footnote to document A/55/L.81, in order for the General Assembly to take action on the draft resolution entitled "Protection of religious sites", it will be necessary to reopen consideration of agenda item 32, "United Nations Year of Dialogue among Civilizations".

May I take it that the General Assembly wishes to reopen consideration of agenda item 32?

It was so decided.

The President: May I further take it that the Assembly agrees to proceed immediately to the consideration of agenda item 32?

I see no objection. We shall now proceed accordingly.

Agenda item 32 (*continued*)

United Nations Year of Dialogue among Civilizations

Draft resolution (A/55/L.81)

The President: I give the floor to the representative of Hungary to introduce draft resolution A/55/L.81.

Mr. Erdös (Hungary) (*spoke in French*): I have the honour to introduce to the General Assembly draft resolution A/55/L.81, "Protection of religious sites". Never before has the main subject of an international document been the question of respect for and protection of religious sites. Furthermore, in recent years we have witnessed a profoundly disturbing phenomenon that is becoming increasingly common: violence against and the profanation of holy sites throughout the world. Such actions prompted the leaders of several religions to launch, last December, a

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solemn appeal to put an end to such acts of violence — an appeal that was officially submitted to you, Mr. President, and then distributed as a document of the General Assembly.

Unfortunately, religious intolerance remains both the cause and the consequence of numerous bloody conflicts, accompanied by acts of violence directed not only against civilian populations but also at buildings, monuments and sites associated with various religions.

The original sponsors of the draft resolution before the Assembly today, including Austria, Bosnia and Herzegovina, Brazil, Costa Rica, Egypt, Germany, Hungary, Ireland, Jordan, the Russian Federation, Senegal, South Africa, Sri Lanka, Sweden and Thailand — working on the basis of an Austrian and Hungarian initiative — wanted to ensure that the voice of the United Nations would speak out unambiguously against such intolerable manifestations of obscurantism and fanaticism. From the point of view of their religions, traditions and customs, these countries form a representative group of States Members of our global Organization. The draft resolution is thus sending a universal message, whose relevance is clear to all.

The sponsors are gratified that many other countries have since become sponsors of the draft, as listed in document A/55/L.81. I would like to take this opportunity to announce that Albania, the Bahamas, Barbados, Belarus, Benin, Grenada, Guinea, Guyana, Kyrgyzstan, Liberia, Malaysia, Myanmar, Oman, Paraguay, South Africa, Senegal, the Sudan, Suriname, Tajikistan, Uzbekistan and Venezuela have also joined the sponsors listed in document A/55/L.81.

The number of sponsors of the draft resolution on the protection of religious sites has thus now risen to 113. We consider this to be the expression not only of a desire to take an unequivocal stand against all manifestations of intolerance, whatever their source, but of a firm readiness to consider the spiritual diversity of humankind as a valuable element that enriches our common heritage, one that can be used to establish the necessary frameworks for a mutually beneficial dialogue among the civilizations of the world.

Draft resolution A/55/L.81 condemns all acts of violence directed against religious sites and demands that States make every possible effort to protect such sites. The draft encourages States, intergovernmental and non-governmental organizations and the media to promote, through education, among other means, a culture of tolerance and respect for different religions and religious sites. It also requests the Secretary-General to devote to this subject all attention necessary in preparing reports concerning the United Nations Year of Dialogue among Civilizations.

On behalf of all the sponsors of this draft resolution — which we would like to thank for their cooperation and assistance — I would like to express the hope that this draft resolution will be adopted by consensus by the General Assembly. In so doing, we will once again highlight the determination of the United Nations to use, when necessary, its considerable moral authority to face the challenges that can undermine the very basis of what we call human existence on the earth. In this noble and indispensable undertaking, the entire international community — Governments, civil society, universities, the business world and the various churches — must work together tirelessly to achieve a better and more tolerant world.

Mr. Norström (Sweden): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association country members of the European Economic Area, Iceland, Liechtenstein and Norway, align themselves with this statement.

It is a sad truth that acts or threats of violence against religious sites continue to occur throughout the world. We have witnessed violent acts such as wilful destruction, damage and other forms of desecration of religious sites only too often in the past. Such acts not only can violate the religious rights of persons to whom such sites are holy, but they also destroy part of our human heritage. Destruction of religious sites results in an impoverishment of our common heritage.

In the framework of the General Assembly of the United Nations we have adopted initiatives and resolutions on the first aspect, rights, while the second one, sites as religious and cultural heritage, appears to be somewhat overlooked.

We need to speak out against such deplorable acts of destruction, which, unfortunately, still are taking place. But we also must look beyond this and seek a

general confirmation of the principle that there is a common responsibility to protect religious sites.

It is in this year, the United Nations Year of Dialogue among Civilizations, that the United Nations must find a broad consensus on condemning acts or threats of violence against religious sites. It is now that the United Nations must call for full respect for and protection of religious sites.

The European Union wholeheartedly supports this timely initiative. It is our sincere hope that it can reach into the future and have an impact in fostering greater respect for religious sites.

Mr. Singhara Na Ayudhaya (Thailand): On behalf of my Government, I should like to express my appreciation to you, Mr. President, for convening this plenary meeting so that we, the members of the international community, can reaffirm and reinforce our commitment to upholding the principles of respect for cultural and religious diversity in general and to protecting religious sites in particular. We should therefore like to take this opportunity to express our appreciation to Austria and Hungary for taking this timely initiative in preparing the draft resolution before us (A/55/L.81), on the protection of religious sites. Thailand is pleased and very willing to co-sponsor this draft resolution and hopes that it will be adopted by consensus.

Over two months ago, the international community watched helplessly as thousand-year-old Buddhist statues of incalculable historical and cultural value were demolished by the Taliban in Afghanistan. Despite the best efforts of this Assembly, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international organizations, and protests by virtually all countries and by individual citizens, ranging from distinguished Islamic scholars to directors of museums, the destruction of a Buddhist statue proceeded as planned. A millennium-old archaeological relic of a religious faith was wiped out of existence. It was a time of great sorrow for Buddhist people in Thailand and around the world and for humanity as a whole, as we mourned this irreparable loss to the cultural heritage of mankind. While we cannot undo the wrongs of the past, we can do our best to ensure that similar acts of violence directed against religious sites will not be committed in the future.

It is our belief that the draft resolution before us today lays a foundation to help deter such acts of senseless destruction. The adoption of this draft resolution would send a clear and unequivocal message that the destruction and desecration of religious sites are contrary to everything the United Nations stands for and thus will not be tolerated. But words alone will not be adequate. It is incumbent upon us, the Member States of the United Nations, to take upon ourselves the primary responsibility of overseeing the safety and security of religious sites and protecting them from acts of destruction and desecration that could potentially inflame passions and bring about disharmony and discord within, and even among, societies.

We also believe that intergovernmental and non-governmental organizations can make an important contribution to the protection of religious sites. At the same time, steps must also be undertaken to ensure that the right of religious believers to have access to their places of worship or meditation is maintained.

At stake is the larger issue of religious tolerance and respect for cultural diversity. Tolerance is often seen as one of the fundamental values essential to the conduct of international relations in this new millennium. Respect for diversity is a key element in promoting and protecting human rights. If we fail to prevent the destruction and desecration of religious sites, we are in essence allowing the fundamental principles of tolerance and respect for diversity to be challenged.

The continued erosion of these principles can have an adverse impact on how States interact in the global arena and on the lives of individuals and groups in society. After all, an act of destruction and desecration of a religious site, the concrete manifestation of one's religious beliefs and faith, is but one small step away from being a harmful act against individuals and peoples because of their religious beliefs. It is therefore important that we promote within our society and among nations a better understanding of the rich cultural diversity that humanity as a whole has to offer and thereby gain better appreciation of and respect for these differences.

My Government sees the importance of education in promoting a culture of peace, tolerance and respect for culture and religious diversity within societies. As to building such a culture among societies, we see the

importance of dialogue and mutual learning. For this reason, we find the initiative of a dialogue among civilizations to be an appropriate framework to promote respect for religious tolerance and diversity through the protection of religious sites.

We would therefore like to commend Iran and the Organization of the Islamic Conference for their pioneering roles under this agenda item, which have always received our full support. We believe that the adoption of this draft resolution can only strengthen the work undertaken within the dialogue among civilizations, which attaches great importance to the protection of cultural heritage and the promotion of tolerance and diversity.

Thailand extends its full support to this draft resolution and calls upon all members of the United Nations family to give this draft resolution their universal support. Let this draft resolution be the first of many steps that we take together to build the edifice of mutual tolerance and respect for the religious and cultural diversity of humankind on the ruins of religious prejudice and indifference.

Mr. Ortiz (Bolivia) (*spoke in Spanish*): I am instructed by my Government to express Bolivia's enthusiastic support for draft resolution A/55/L.81, entitled "Protection of religious sites". I would therefore request that Bolivia be added to the list of sponsors of the draft resolution.

The President: In accordance with resolution 3369 (XXX) of 10 October 1975, I call now on the observer for the Organization of the Islamic Conference.

Mr. Lamani (Organization of the Islamic Conference) (*spoke in Arabic*): I have the pleasure and the honour on behalf of the Organization of the Islamic Conference, to thank you, Mr. President, for having convened this important meeting, at which the Assembly will take action on draft resolution A/55/L.81, entitled "Protection of religious sites". The draft resolution has been endorsed by most States Members of the United Nations, which view it as important, necessary and natural.

It is important because it constitutes the first milestone on the road towards dialogue among civilizations and cultures. It reflects an acknowledgement that cultural and religious differences and diversity must be respected.

It is necessary because of its timeliness relating to the increase in attacks on religious and spiritual sites in various parts of the world.

And it is natural because of the intensive exchanges and dialogue among cultures, the result of which is the appearance in those civilizations of noble ideals and moral principles that enable us to expand the horizons of cooperation and to build a solid basis for understanding among the world's peoples. This will be to the benefit of peace, security, development, prosperity and justice.

Throughout human history, diverse civilizations have contributed to a major body of values and morality that constitutes a solid, stable and indispensable reference point in international relations. We must not forget that, throughout history, interaction among civilizations has always led either to stability or to instability. Obviously, every epoch, every region has seen war, has perhaps witnessed peoples annihilated or fallen victim to genocide, and has experienced the destruction of entire States through civil, colonial or religious war.

We take this opportunity, therefore, to express the hope that the General Assembly will be able to adopt resolutions such as the draft resolution before it today, and that this will enable all of humankind to stop and think about how to foster the creation of a better tomorrow and a more prosperous and healthier future marked by respect for diversity, interaction and complementarity among cultures and civilizations.

Of late there has been an abundance of initiatives from Islamic countries aimed at attaining those noble goals: Islamic civilization is an eternal civilization that has supported and contributed to numerous spiritual, philosophical, scientific, literary, artistic and other endeavours. In that way, we have succeeded in building modern cultures founded on the history of science, which goes back to the scientific and philosophical civilizations of ancient Greece and Persia. Further interaction has led to the establishment of a new civilization that encompasses the peoples of Asia, Africa and Europe and that has led to the unity of mankind and human civilization.

At the nineteenth Islamic Conference of Foreign Ministers, held in 1990, the Islamic countries adopted the Cairo Declaration on Human Rights in Islam, article I of which states that

"All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, [or] sex ....". (*A/45/421, annex III*)

It is no surprise that the General Assembly should adopt resolutions on dialogue among civilizations. This has been an Islamic initiative based on our belief in the unity of human destiny and in equality among individuals and peoples. Indeed, the Organization of the Islamic Conference was established as a result of a 1969 attempt to burn the Al-Aqsa mosque.

We appeal to the Assembly to adopt the draft resolution before it by consensus, as an explicit reflection of its respect for human dignity, equality, mutual respect and tolerance, as an acknowledgement of the diversity of knowledge, and with a view to establishing a common basis that will guarantee the realization of the principles of peace, justice and equality.

The President: We have heard the last speaker in the debate on this item. Before the Assembly proceeds to take action on the draft resolution, I should like to announce that, since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/55/L.81: Bolivia and Trinidad and Tobago.

The Assembly will now take a decision on draft resolution A/55/L.81, entitled "Protection of religious sites". May I take it that it is the wish of the General Assembly to adopt the draft resolution?

Draft resolution A/55/L.81 was adopted (resolution 55/254).

The President: I give the floor to the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): As Chairman of the Arab Group for this month, I am speaking on behalf of the members of that Group. Let me begin by saying how pleased I am that the General Assembly is considering the extremely important question of the protection of religious sites. In that connection, we thank the delegations of Austria and of Hungary for having taken the initiative to present draft resolution A/55/L.81, which has just been adopted by consensus.

The Arab Group believes that no consideration of this important item can be complete without reference to some of the key sites of the great religions of Christianity and Islam that for long years have been under foreign occupation.

The Al-Aqsa Mosque and the Christian churches in occupied East Jerusalem have been under foreign occupation for more than 33 years, as have certain other churches, even if only indirectly.

The Arab Group agreed to join the consensus today, and some Arab States have sponsored the draft resolution, because they are aware of the violence that is being perpetrated today against religious sites worldwide. But the Arab Group cannot forget that there are other holy sites also under foreign occupation, the most dangerous manifestation of which is the most horrible forms of violence.

The President: I shall now call on those representatives who wish to speak in exercise of the right of reply.

Mr. Jacob (Israel): Israel is proud to be a co-sponsor of the draft resolution that was adopted today by the General Assembly, and we completely support the aims expressed therein. Religious and other holy sites embody the common cultural heritage of humankind and the entire international community. All of us — not only the relevant religious or ethnic groups — must work to ensure their protection.

The Jewish people, which have been persecuted for centuries over their own religious expression and denied access to their most cherished holy sites by the successive empires that occupied their land, feel strongly about the need to protect the religious rights of all people. We were therefore dismayed by the unfounded allegations made, which grossly misrepresent Israel's record on religious freedom and tolerance and on the protection of holy sites.

Since the establishment of the State of Israel, we have enabled all groups to enjoy without any limit the benefits of the holy places in our jurisdiction, particularly in the city of Jerusalem. Religious freedom and access to the city's holy sites, including their preservation, restoration and care, is greater than it has ever been.

What is more, religious groups have near-complete autonomy in matters relating to the administration of holy sites. The Wakf — the Muslim

religious trust — administers the mosques atop the Temple Mount. The Church of the Holy Sepulchre is governed by shared arrangements between the various Christian groups. Never before have Jews, Christian and Muslims been able to pray side by side at their respective holy shrines in Jerusalem in comparable safety, security and freedom.

Today the city of Jerusalem and its holy sites are the freest and most accessible they have been in two millenniums. Tourists from all over the world — Muslims, Christians, Jews and others — have visited the city and been afforded freedom of access to worship at their respective holy places. Israel's policies in this regard are enshrined in the law on the protection of holy places, passed in 1967, which guarantees the protection and preservation of religious sites and freedom of access and worship to members of different religions, and mandates imprisonment for anyone desecrating or restricting free access to them.

I hope that I have set the record straight.

Mr. Al-Kidwa (Palestine) *(spoke in Arabic)*: I am taking the floor in exercise of the right of reply, and I do so as a Palestinian national.

The Arab Group has for some time now attempted to express its just and equitable viewpoint in a concise fashion without clashing with the other side. We have done so because of our sense of responsibility and in response to the appeals of many sponsors and people who supported the initiative.

It is regrettable that the representative of Israel has insisted on involving us in Israel's dark history, including its history of occupying an entire people — aside from the fact that he brought up the mythical question of the empires that had occupied the land. This matter is so laughable that I will not touch on it.

What is important here is not what has been put forward by the representative of Israel. No one could possibly believe that the Israeli occupation is a good one, lawful or tolerant, because there is no such thing. There is no occupation of that type. Occupation by a foreign force is a reactionary and evil phenomenon and has been so from time immemorial. It must come to an end.

As for the allegations regarding freedom of access to religious sites, suffice it to mention what the Palestinians have to endure when they want to visit their homes and those of their forefathers. We need only recall the detentions, the deportations, the acts of genocide and the attacks against private citizens.

We did not want to become involved once again in this type of discussion, but the representative of Israel insisted on reading out a statement that had been prepared before he heard what was going to be said here, a statement that was made under the ridiculous heading of right of reply.

The President: May I remind delegations that statements in exercise of the right of reply are limited to five minutes for the second intervention.

Mr. Jacob (Israel): My delegation deeply regrets the statement of the Palestinian observer and his fabricated claims about Israeli actions. I would leave it to the General Assembly to decide who instigated this polemic debate here. My delegation came to this debate in good faith and with wholehearted support for the draft resolution adopted today.

The Palestinian observer's attack on Israel raises the question of the record of the Palestinian Authority with regard to the issues at hand. Again, as I said, it serves only to call attention to the Palestinian Authority's protection of holy sites in the region. In the early stages of the current violence, Jewish holy sites in areas under the jurisdiction of the Palestinian Authority became flashpoints of confrontation between Jewish worshippers and Palestinian mobs. One particular incident at Joseph's Tomb — a site, holy to Jews and Muslims alike, near the Palestinian city of Nablus — was particularly distressing. In an effort to defuse tensions in the area, the Israeli army agreed temporarily to relinquish control of the site to the Palestinians. This action was taken with an explicit commitment from the Palestinian leadership to protect the site. In the wake of the Israeli withdrawal, crowds of Palestinians, including masked gunmen, surged into the compound. The crowd proceeded violently to desecrate the site with picks and crowbars, burning books, furniture and sacred objects and raising the Palestinian flag over the demolished structure. Palestinian authorities in the area failed to take action to disperse the crowd.

There are numerous other examples of Palestinian insensitivity and, indeed, outright hostility to Jewish sites. Jewish worshippers at the Western Wall in Jerusalem have regularly been attacked with rocks and stones hurled by Palestinian crowds from the top of the Mount, even necessitating that the site be closed down

for a few hours during the Jewish holy day of Rosh Hashanah. An ancient Jewish synagogue in Jericho was looted and destroyed by a Palestinian mob last fall. Rachel's Tomb on the outskirts of Bethlehem, is constantly the focus of Palestinian gunmen who open fire on worshippers praying there. Jews who make pilgrimages to the religious shrines in or in close proximity to Palestinian areas are regularly harassed or have become the targets of bombings and gunfire.

The statement made by the Palestinian representative is completely disingenuous and is merely an attempt unjustifiably to slander what is in fact a noble legacy of religious tolerance and respect under the most difficult circumstances. I would urge that, in the future, the Palestinian observer consider the Palestinian record on protecting the holy sites before he proceeds to attack Israel.

Mr. Cengizer (Turkey): I am afraid that this intervention cannot really be classified as a statement in exercise of the right of reply in the classic employment of the term, but I just wish to state that I understand that the representative of Israel, when talking about empires, was indeed referring to the Roman empire and not to the Ottoman, which is well known for its historic relationship with the Jewish people, including its receiving Jewish people expelled from Spain in 1492 and being thereby enriched.

These facts are as much appreciated, understood and recognized by the Jewish nation today.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): The representative of Israel has spoken of the Palestinian position as being hostile to Jewish religious sites. This only goes to show the low level to which his statement descended, because we are proud to say that our history was characterized by tolerance of and coexistence in the holy places even before Israel existed.

As for the incident at Joseph's Tomb, we have repeatedly stated that it was a regrettable situation that we addressed with the utmost diligence. We must nevertheless refer to the fact that the Israeli side has converted that site into a military barracks and has killed over 20 Palestinians there. We have been offered a segment of history out of context in yet another attempt to falsify events.

Israel has done even worse than that, not only in Palestinian territories under Palestinian authority, but also within Israel, in cities and towns with an Arab majority such as Nazareth and Umm al-Fahm. We would refer to the incident in the Al-Aqsa Mosque and to the recent incident in Khan Yunis and Rafah, as well as the Israeli bombing of many small Arab towns.

What is important today is not that; it is not the Israeli practices in the occupied territories. We spoke of the grave phenomenon of the existence of a certain number of the most important Christian and Muslim religious sites under the yoke of foreign occupation. We did not even mention the name of Israel in our statement. We did not even raise the name of Israel in that respect.

I would therefore repeat yet again that there is no such thing as a good foreign occupation. Occupation must end. That is the only solution, the only way to establish peace and the only way to preserve the important religious sites for all three religions: Islam, Judaism and Christianity.

The President: I call on the representative of Israel on a point of order.

Mr. Jacob (Israel): Since I have already made my statements in exercise of the right of reply, this is a point of order in response to the statement made earlier by the Ambassador of Turkey.

I agree with everything he said. We, the Jewish people, are deeply grateful for the role played by the Ottoman empire in helping the Jews who were expelled from other parts of Europe, in accommodating those Jews within the limits of the empire and in promoting coexistence between Jews, Arabs and Turks. We are really grateful for the role played by the Turkish people and I believe that this positive historic experience continues to guide the relationship between Israel and Turkey.

The President: I call on the Permanent Observer of Palestine on a point of order.

Mr. Al-Kidwa (Palestine): For the record, the statement just made by the representative of Israel was, in our opinion, not a point of order. It was thus a violation of the rules of procedure.

The President: The Assembly has thus concluded this stage of its consideration of agenda item 32.

Agenda item 17 *(continued)*

Appointments to fill vacancies in subsidiary organs and other appointments

(j) Approval of the appointment of the United Nations High Commissioner for Human Rights

Note by the Secretary-General (A/55/110)

The President: By its resolution 48/141 of 20 December 1993, the General Assembly decided to create the post of the United Nations High Commissioner for Human Rights.

By its decision 51/322, the General Assembly approved on 17 June 1997 the appointment by the Secretary-General of Mrs. Mary Robinson of Ireland as United Nations High Commissioner for Human Rights for a four-year term of office. The term of office of Mrs. Robinson will expire on 11 September 2001.

The Secretary-General proposes, in the light of the provisions of resolution 48/141 set out in his note, to extend the appointment of Mrs. Mary Robinson of Ireland as United Nations High Commissioner for Human Rights for a period of one year, namely, from 12 September 2001 to 11 September 2002.

May I take it that it is the wish of the General Assembly to approve the proposal of the Secretary-General contained in document A/55/110?

It was so decided.

Mr. Norström (Sweden): On behalf of the European Union, the associated countries of Central and Eastern Europe and Cyprus, Malta and Turkey, I wish to express our wholehearted support for the extension of the appointment of Mrs. Mary Robinson as the United Nations High Commissioner for Human Rights. We are very pleased that Mrs. Mary Robinson reconsidered her earlier announcement not to seek extension of her appointment. We wish to express our deepest appreciation for all the hard and excellent work the High Commissioner has carried out during her tenure.

The European Union believes that the High Commissioner has effectively and fully implemented the difficult mandate entrusted to her pursuant to General Assembly resolution 48/141. We feel that the High Commissioner has fulfilled these extremely sensitive tasks in both an excellent and balanced manner, as well as with great integrity, both personally and professionally.

Substantial progress has been made during her mandate, in particular in her work on ensuring that the concept of the universality of all human rights is understood and respected. In the coming year it is vital that the process of mainstreaming human rights into all the work of the United Nations continues. It is also vital that the Office of the High Commissioner receive an enhanced level of funding from the regular budget, which would enable the High Commissioner to carry out the ever-increasing tasks entrusted to her by Member States.

The President: The Assembly has thus concluded its consideration of sub-item (j) of agenda item 17.

Agenda item 94 *(continued)*

Sustainable development and international economic cooperation

(d) High-level dialogue on strengthening international economic cooperation for development through partnership

Letter from the Chairman of the Second Committee (A/55/955)

The President: Members will recall that at its 9th plenary meeting, held on 11 September 2000, the General Assembly decided to allocate sub-item (d) of agenda item 94 to the Second Committee. Members will also recall that the item remained open for consideration during the fifty-fifth session.

In order for the General Assembly to proceed expeditiously on the item, may I take it that the General Assembly wishes to consider sub-item (d) of agenda item 94 directly in plenary meeting?

It was so decided.

The President: May I further take it that the Assembly agrees to proceed immediately with the consideration of sub-item (d) of agenda item 94?

I see no objection. We shall therefore proceed accordingly.

The Assembly will now resume consideration of sub-item (d) of agenda item 94.

Pursuant to General Assembly resolution 55/193, of 20 December 2000, I requested, by a letter dated 27 March 2001, Mr. Alexandru Niculescu of Romania, Chairman of the Second Committee, to undertake consultations on my behalf with Member States on the preparations for the second high-level dialogue.

In view of the programme of work of the General Assembly during the first weeks of the fifty-sixth session, I had suggested in my letter that the two-day high-level dialogue be held on 17 and 18 September 2001.

In that connection, the General Assembly has before it a letter dated 11 May 2001 from the Chairman of the Second Committee, which has been circulated in document A/55/955, in which he informed me that at the consultations held on 11 May, it had been decided that the dates of 17 and 18 September 2001 for the second high-level dialogue were acceptable to Member States.

May I take it that the General Assembly wishes to take note of the letter from the Chairman of the Second Committee contained in document A/55/955?

It was so decided.

The President: The General Assembly has thus concluded this stage of its consideration of sub-item (d) of agenda item 94.

Agenda item 105 (*continued*)

Crime prevention and criminal justice

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its twelfth session (A/55/383/Add.2 and Add.3)

Draft resolution (A/55/383/Add.2, para. 33)

The President: I give the floor to Mr. Luigi Lauriola, Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to introduce the report of the Ad Hoc Committee.

Mr. Lauriola (Italy), Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: The General Assembly will remember that, on 9 December 1998, the Assembly decided to establish an open-ended intergovernmental Ad Hoc Committee for the purpose of elaborating a comprehensive Convention against Transnational Organized Crime. To complement this Convention, the General Assembly also directed that three additional Protocols be negotiated: one on illicit trafficking in women and children; a second on illicit trafficking in and transporting of migrants; and a third on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition.

On 15 November last year, the General Assembly adopted the Convention against Transnational Organized Crime and two Protocols. Those juridical instruments were signed at a high-level signing conference hosted by the Government of Italy in Palermo from 12 to 15 December. As far as I am aware, the Convention has been signed by 126 States and the two Protocols have been signed by about 80 countries. As to the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, while we were close to an agreement, a few points needed additional consideration. For this reason, work on that Protocol remained unfinished, and the Ad Hoc Committee was directed by the General Assembly to finalize its work as soon as possible in the year 2001.

It is, indeed, a great privilege for me to speak to the Assembly today as the Chairman of the Ad Hoc Committee, elected by the General Assembly, and to present here the text of the draft Protocol on the Illicit Manufacturing of and Trafficking in Firearms, as agreed unanimously at the most recent meeting of the Ad Hoc Committee in Vienna. After the signature in Palermo of the Convention against Transnational Organized Crime and the two Protocols, and, now, with the adoption of the draft Firearms Protocol, the process initiated during the United Nations Naples Ministerial Conference, held under the chairmanship of the Italian Prime Minister, continued in the Lyon Group and progressively supported by all, can be considered finalized and the main mandate of the Ad Hoc Committee practically completed.

I think that all of us can be satisfied with the results, in particular if we consider that the negotiations were achieved in a relatively short span of time — two years. For that, I wish to thank all the delegations and experts, who sometimes numbered as many as 300, for their fundamental contribution, made in a flexible and constructive spirit.

I also want to thank all the members of the Bureau — an extended Bureau of nine members — for the support given to me in the elaboration of these four juridical instruments, and in particular Ambassador Abe, Permanent Representative of Japan to the United Nations in Vienna, whose contribution, as Vice-Chairman of the Committee, was highly instrumental in the elaboration of the draft Firearms Protocol.

The Secretariat, which assisted me ably, deserves a special mention, in particular the interpreters, whose dedication and constant availability, especially in the final hours of negotiations, made it possible to finalize this draft Protocol.

Before I finish my statement I would like, for the sake of consistency, to inform the Assembly about a technical correction to the text of article 8 of the draft Protocol. In the lead sentence of paragraph 1 of article 8, the word "firearms" should be replaced by the words "each firearm", so that the sentence reads, "For the purpose of identifying and tracing each firearm, State Parties shall", and so on.

I have the honour of presenting the text of the draft Protocol. I recommend to the General Assembly, on behalf of the whole of the Ad Hoc Committee, the adoption of the text contained in paragraph 33 of document A/55/383/Add.2 so that the Protocol might be opened for signature in New York.

The President: We shall now proceed to consider the draft resolution recommended by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in paragraph 33 of its report, as orally corrected.

I now call on the representative of Egypt, who wishes to speak in explanation of position before action is taken on the draft resolution.

May I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

Mr. Bebars (Egypt) *(spoke in Arabic)*: Before the General Assembly adopts the draft resolution entitled "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the delegation of Egypt would like to reaffirm its position regarding that draft Protocol.

The draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition was discussed in Vienna on 2 March 2001; Egypt had reservations concerning every aspect of the draft Protocol in its present form, as it does not sufficiently reflect the different opinions that were expressed during the discussions. Our reservations are referred to in paragraph 18 of document A/55/383/Add.2. The delegation of Egypt would like its reservations to be on the record. However, despite our reservations, the delegation of Egypt will join the consensus on the draft resolution and not stand in its way.

The President: We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take a decision on the draft resolution entitled "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", recommended by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in paragraph 33 of its report in document A/55/383/Add.2 and as orally corrected.

May I take it that the Assembly decides to adopt the draft resolution recommended by the Ad Hoc Committee in paragraph 33 of its report and as orally corrected?

The draft resolution was adopted (resolution 55/255).

The President: Before giving the floor to the speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats. I call on the representative of Sweden, on behalf of the European Union.

Mr. Norström (Sweden): I have the honour to take the floor on behalf of the 15 member States of the European Union and in coordination with the European Commission, which had a negotiating mandate for certain articles in the Protocol.

It is with great satisfaction that the European Union has joined the consensus in the adoption of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,

supplementing the United Nations Convention against Transnational Organized Crime. The adoption of the Firearms Protocol represents a very important step in the efforts to combat illicit manufacturing of and trafficking in firearms.

We should like to take this opportunity to express our sincere appreciation to Ambassador Luigi Lauriola and the preceding Japanese chairmanship of the Ad Hoc Committee for their untiring efforts to bring the work on the Protocol to a successful conclusion. We have listened carefully to Ambassador Lauriola's introduction, and we thank him for it. We all know that the negotiations for this Protocol have been particularly difficult for a number of reasons. When the text was finally adopted by the Ad Hoc Committee in Vienna, all delegations had shown an enormous amount of flexibility and willingness to compromise in order to be able to achieve consensus on this important instrument. We have noted with great satisfaction that this sense of purpose still prevails and has allowed the General Assembly to adopt the Protocol by consensus.

The Firearms Protocol will provide an important tool to fight against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The intention of the international community has been to set the highest possible international standard, and we are determined to take the measures needed at the level of the European Union and its member States so as to fully implement the purposes of the Protocol.

In this context, the European Union considers those provisions of the Protocol — in particular article 8 — that facilitate the identification and tracing of each firearm and allow effective international cooperation to be particularly important in preventing the diversion of firearms into the illicit market. The proper implementation of those provisions is crucial in order to make the Protocol an effective tool.

Ms. Verville (United States): The United States is pleased to join the consensus today in the adoption of the Firearms Protocol. We offer our sincere appreciation to Ad Hoc Committee Chairman Lauriola, Ambassador Abe of Japan and the Secretariat for their dedication and perseverance in getting this Protocol completed.

The United States welcomes the technical correction to the chapeau of paragraph 1 of article 8. This makes it clear that the purpose of both of the alternative systems for the marking of firearms and manufacture that are provided for under article 8, paragraph 1 (a), is to permit the identification and tracing by States parties of individual firearms. We believe that the corrected text better reflects the intention of delegations in Vienna.

At the last session in Vienna, the United States objected to the inclusion in the draft resolution just adopted by consensus of the preambular paragraph that reads:

> "*Reaffirming* the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right".

This preambular paragraph says that Article 51 of the United Nations Charter implies that States also have the right to acquire arms with which to defend themselves. In the view of the United States, this right is subject to limitations established by the Security Council acting under Chapter VII of the Charter or agreements entered into by the State concerned. Similarly, the reference to a right of self-determination, including for peoples under foreign occupation, does not refer to a right to acquire or use arms in pursuing that objective. Nor does it change the scope of self-determination as it might apply to such people.

Mr. Navarrete (Mexico) (*spoke in Spanish*): On 15 November 2000, the General Assembly met to hold the final negotiations of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing that Convention. It was a memorable occasion, but it was not complete or conclusive, because a very important issue was left pending, which is what brings us together today and what Mexico warmly welcomes: the adoption by the General Assembly of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, an instrument

that completes the legal body represented by the Convention and its additional Protocols.

The problem of the illicit manufacturing of and trafficking in firearms was dealt with for the first time in an international instrument in the Organization of American States, on the basis of an initiative promoted by the Government of Mexico. This immediate background explains that the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted on 13 November 1997, was the basis for the elaboration of the Protocol now adopted by the General Assembly of the United Nations.

Mexico's commitment to combating this phenomenon remained firm during the negotiation of the Protocol, which took place in Vienna. We promoted wording that would command consensus and always sought to ensure that the Protocol would set out effective measures. Mexico has reason for satisfaction, because with the adoption of the Protocol, the measures to prevent, combat and eradicate these crimes have attained universal scope.

The prevention and combating of the illicit manufacturing of and trafficking in firearms are linked to the prevention and combating of transnational organized crime. There is no doubt that organized criminal groups such as drug traffickers and smugglers take advantage of the lack of legal regimes or of the weakness of such regimes to gain access to firearms that are used as instruments of crime.

The prevention, investigation and prosecution of these crimes should not be limited to cases in which an organized criminal group is involved. The General Assembly has recognized that the oversupply of small arms and light weapons has implications for the illicit trafficking of such arms. Indeed, the proliferation of those arms has a destabilizing effect on society and on the economic and social development of peoples. Thus, combating the illicit manufacture of and trafficking in such weapons must apply to all cases; of necessity, the Protocol must be applied to all kinds of transactions and transfers.

Because the Protocol supplements the United Nations Convention against Transnational Organized Crime, article 4, paragraph 1, establishes that the Protocol applies to the investigation and prosecution of offences relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition where those offences are transnational in nature and involve an organized criminal group. But the interpretation of that provision must be supplemented in two aspects.

First, offences cannot remain unpunished in those cases where there is no organized criminal group or where the offence is not transnational in nature. The investigation and prosecution of such offences should be carried out in conformity with national legislation or with other treaties, including bilateral and regional agreements.

Secondly, article 4, paragraph 1, of the Protocol permits its preventive provisions to be applied in all cases. Indeed, chapter II, entitled "Prevention", establishes, *inter alia*, obligations in terms of record-keeping, marking, export, import and transit licensing, security and cooperation that apply in all cases without the requirement that they be linked to transnational organized crime.

These obligations constitute an innovative body of law that is comprehensive enough to prevent the diversion of legal manufacture and trade of firearms, their parts and components and ammunition to illicit manufacture and trafficking.

The adoption of the Protocol will make a concrete contribution to the work of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects, to be held in July 2001. Resolution 54/54 V, entitled "Small arms", recognizes the complementarity between activities aimed at preventing and reducing the destabilizing and excessive accumulation of small arms and light weapons on the one hand, and the Protocol on the other.

Mexico joined in the adoption of the Protocol subject to the following interpretation of article 4, "Scope of application", and article 8, "Marking of firearms". Moreover, Mexico reserves its right to present an interpretative declaration with respect to those articles when it signs and ratifies the Protocol.

For Mexico, the provisions of the Protocol shall apply to all kinds of transactions or transfers, with a view to preventing the diversion and use of firearms, their parts and components and ammunition for criminal purposes. Article 4, paragraph 2, is therefore not necessary. Nevertheless, Mexico did not block its

inclusion, in order to facilitate the Ad Hoc Committee's adoption of the Protocol. In any case, the concept of national security contained in that paragraph must not serve as an excuse for not fulfilling the obligations of the Protocol, especially those that are legal in nature, such as marking and a system of export and import licensing. Thus, article 4, paragraph 2, must be interpreted in accordance with the letter and the spirit of the Charter of the United Nations.

Furthermore, it is Mexico's interpretation that the purpose of the marking of firearms, as mentioned in article 8, is to identify and trace each firearm. Therefore, any marking system — using either a serial number or any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code — should contain distinctive markings permitting ready identification of each firearm.

In the framework of this meeting — which, as I mentioned before, marks the culmination of the effort to give life to the United Nations Convention against Transnational Organized Crime — my delegation wishes to denounce the increasing frequency of crimes committed by the smugglers of migrants. The action that caused the regrettable death of 14 Mexican migrants in the Arizona desert on 23 May is another link in a terrifying chain of similar events.

As we all recall with horror and repugnance, loss of life among migrants has increased, as migrants face deplorable conditions on all continents and seas, in Europe and in America, in the Mediterranean Sea and in the Indian Ocean. Such deplorable events underscore the fundamental importance of international cooperation to prevent and combat illicit trafficking in migrants; above all, they underscore the imperative need to work together to protect the lives of migrants.

The Governments of Mexico and of the United States have reaffirmed their commitment to cooperate closely to find the smugglers who are responsible for the 23 May tragedy and to bring them to justice. Both Governments have strongly condemned the trafficking in migrants, which puts the lives of migrants in jeopardy, and have reaffirmed their commitment to building a safe and orderly border.

Mexico welcomed the recent news that ministers of justice of the European Union have decided to apply harsher penalties against migrant-smugglers, and to increase the minimum applicable penalties.

For Mexico, illicit trafficking in migrants is a particularly serious offence, because it jeopardizes the life and the security of migrants. In this context, my country calls on all Governments to sign and ratify the Convention and its three Protocols with a view to their early entry into force and implementation.

The Convention and its Protocols will provide the international legal regime necessary to prevent and combat transnational organized crime. They will establish effective mechanisms for international cooperation within their respective scopes and will help combat various forms of criminal activity in a differentiated and unique manner.

Mexico trusts that these instruments will enter into force as soon as possible, in order to continue to strengthen the commitment taken by our heads of State at the Millennium Summit to intensify the struggle against transnational crime in all its dimensions.

Mr. Abe (Japan): I am pleased to take the floor in the Assembly to express my Government's warmest appreciation for the excellent work done in Vienna by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. The Committee's tireless efforts brought about the third of the Protocols to supplement the Convention, namely the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, which was successfully adopted today. In particular, I would like to stress the commendable work done by the Chairman of the Ad Hoc Committee, Ambassador Luigi Lauriola, which was indispensable to the success of the work to elaborate the Protocol.

It is also a particular honour and pleasure for me, as one of the Vice-Chairmen of the Ad Hoc Committee and one who chaired some of the informal consultations on the elaboration of the Firearms Protocol, to witness the adoption of the Protocol by the Assembly.

Transnational organized crime has become a matter of serious concern for the international community, particularly for developing countries, because of the severe negative impact on their social and economic development. I am sure that the Firearms Protocol, together with the Convention on Transnational Organized Crime and the other two Protocols, will be an important tool for strengthening

international cooperation, which is indispensable in order to deal successfully with those crimes.

The Firearms Protocol contains a number of important elements to strengthen the fight against organized crime.

First, article 5 of the Protocol required States parties to take the necessary measures to establish certain activities relating to firearms as criminal offences.

Secondly, this Protocol requires appropriate recordkeeping of firearms and unique user-friendly marking of each firearm, as set out in its articles 7 and 8. These requirements will make it easier to identify and trade every firearm illicitly manufactured or trafficked, even if it travels across many countries. This is quite important for the purpose of prevention as well as for the criminal prosecution of illicit activities relating to firearms.

Thirdly, the Protocol provides a framework of cooperation for States parties through such activities as information exchange and technical assistance. This framework is expected to effectively enhance the solidarity of the international community in its efforts to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms.

In this connection, I should like to note that the seventh firearms control seminar will be held in Japan on 19 and 20 June. High-level experts, law enforcement authorities and technical experts on firearms from Asia-Pacific countries have been invited to the seminar. I hope that the seminar will help promote international cooperation to combat illicit activities relating to firearms.

The adoption of the Firearms Protocol is a great step towards preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms. But we cannot remain idle. The Japanese delegation attaches great importance to the next step, namely the effective implementation of the Protocol by as many States as possible. We would therefore like to urge all Member States to make every effort to become parties to this Protocol and to fully implement its provisions, in order to facilitate its early entry into force and implementation.

Before closing, I should like to make a few comments on the small technical correction that was made immediately before the adoption of the draft resolution.

First, it was indeed a technical correction; therefore, logically, there is no change in the substance of the Protocol. Secondly, even though it was a minor technical correction, such changes should be avoided in future. Thirdly, as a Vice-Chairman who conducted the informal contacts in Vienna, I think I can say that I have ascertained that there were no objections to this small change among those who participated in the negotiations in Vienna.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): The Syrian Arab Republic attaches particular importance to the question of transnational organized crime. Syria has contributed to all the international efforts made to combat this phenomenon within the framework of international law and of the Charter of the United Nations.

Syria has also effectively participated in the work of the Commission on Crime Prevention and Criminal Justice, based on its clear policy of cooperation with the international community at all levels and in all areas, including the fight against transnational organized crime in all its forms.

With respect to the item being considered by the General Assembly today, as contained in paragraph 33 of document A/55/383/Add.2, dated 20 March 2001, we would like to reiterate the reservations we expressed at Vienna on the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Those reservations are contained in paragraph 24 of document A/55/383/Add.2, namely the report of the Ad Hoc Committee on the Elaboration of the Convention against Transnational Organized Crime on the work of its eleventh and twelfth sessions. The Syrian delegation therefore requests that this statement be included in the record of this meeting.

Mr. Hallowes (United Kingdom): Of course, the United Kingdom would like first to attach itself fully to the statement made moments ago by the representative of Sweden on behalf of the European Union. I am now going to speak on behalf of the United Kingdom in its national capacity.

The United Kingdom would like to join with the other speakers in expressing our appreciation of the

work done by everyone in Vienna to achieve a consensus on this Protocol. We also acknowledge the enormous achievement of its adoption here today. Full implementation of this Protocol will be a significant tool for law enforcement agencies worldwide to use in the global fight against organized crime and as part of the United Nations commitment to building safer communities.

On points of substance, I should like to add my voice to that of my colleague from the United States, who commented on the fourth preambular paragraph of the resolution. Members will be aware from the Chairman's report that the United Kingdom reserved its position on this same point. The United Kingdom supports the view of the United States as to the proper interpretation of the rights of self-defence and self-determination.

To conclude, I would like to make a point on a specific provision of the Protocol — that of article 4 on the scope of application. The United Kingdom interprets the terms "transaction" and "transfer" in paragraph 2 of article 4 of the Protocol as referring to all duly authorized transfers of firearms by, to, from or on behalf of governmental authorities and as excluding the manufacture of firearms.

Mr. Cappagli (Argentina) (*spoke in Spanish*): The Argentine Republic participated in the consensus. We wish nonetheless to state for the record our position on the contents of the fourth preambular paragraph of the resolution we have adopted and of the fourth preambular paragraph of the Protocol annexed to it.

The Argentine Republic reiterates its complete support of the right to self-determination of peoples under colonial domination and foreign occupation, in accordance with resolutions 1514 (XV) and 2625 (XXV). Similarly, we reiterate that the exercise of that right can in no way, either completely or partially, compromise the national unity and territorial integrity of sovereign or independent States, as established in resolution 1514 (XV).

The Argentine Republic reserves its right to make a statement of interpretation at the time of signing or ratifying the Protocol.

Ms. Cortés (Spain) (*spoke in Spanish*): The delegation of Spain supports the statement of the United Kingdom and that of Sweden on behalf of the European Union. I am speaking in my national capacity to explain and clarify Spain's position in connection with the fourth preambular paragraph of the resolution we have just adopted.

The Government of Spain supports the principles of the Charter referred to in that paragraph. Nevertheless, we consider that the application of the principle of self-determination must in no way compromise the national unity or territorial integrity of States. Furthermore, we feel it inappropriate to include this reference in a resolution by which a legal instrument is adopted, the main objective of which is to combat the illicit manufacturing of and trafficking in firearms.

Mr. Hayes (Canada) (*spoke in French*): The adoption of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime represents a remarkable moment for all of those who have worked on this issue for the past several years. It is with pleasure that Canada has joined in the consensus. On behalf of my delegation, I wish to thank the United Nations for its decision to launch the process that led to the adoption of the Firearms Protocol.

Canada congratulates the Ad Hoc Committee and joins those who have thanked its Chairman, Ambassador Luigi Lauriola, for his tireless efforts to achieve the consensus. Canada also wishes to express its gratitude to Japan and to Ambassador Abe for his leading role in the work on the Firearms Protocol. Above all, we thank the Centre for International Crime Prevention for its contribution to the successful completion of this initiative.

(spoke in English)

In Canada, we know that globalization is contributing to the ever increasing sophistication of international firearm smuggling rings. Illicit transfers of firearms are often carried out through organized criminal channels and, in turn, move into the civilian markets through these transnational networks. We agree with respect to the resulting harm it poses to the public health and safety of our citizens.

Canada views the Firearms Protocol as a seminal instrument in our collective fight against this phenomenon. As the first treaty of its kind, it creates, we believe, a global standard for the transnational

movement of firearms to prevent their theft and diversion and provides law enforcement officials with tools effectively to detect, investigate and prosecute illicit manufacturing and trafficking offences. It is remarkable how the broad participation in the negotiations and the consensus demonstrated here today are an acknowledgement that, in an age of globalization, we cannot operate in isolation to counter the illicit firearms trade.

Canada is proud to have played a role in the work that has culminated here today. We were active in the work because of our commitment to combating this criminal activity. This represents our belief in international law enforcement cooperation and our support for a balanced, effective approach to issues such as this. I say "balanced" because the Firearms Protocol is surely the product of collaboration among many States with a variety of concerns, as well as truly the product of compromise.

In article 8, dealing with the marking of firearms, for instance, we understood well the need to accommodate the current domestic practices of certain States through a grandfathering provision. This, of course, as has already been noted, does not preclude countries from adopting more robust measures to achieve greater transparency in the legal trade in order to achieve the common goal of countering the illegal trade in firearms.

In conclusion, I want to stress that the adoption of the Firearms Protocol is far from the end of our efforts. It is the start of much more work. We think that the challenge that lies ahead is to address the obstacles of implementation. To that end, we see that there is a need to formalize high levels of international cooperation as widely as possible, to harmonize and coordinate those efforts and, most importantly, to pool our resources.

The consensus here today demonstrates our commitment to fight against illicit firearms manufacturing and trafficking. We must continue, in the years to come, to operationalize this very significant step to ensure that criminals engaged in this form of crime can neither hide behind borders nor operate across them.

Mr. Mourão (Brazil): Brazil associates itself with the words of congratulations spoken by preceding delegations. We would like to reiterate through Ambassador Luigi Lauriola our appreciation and respect for the effort put forth by our colleagues in Vienna during the intensive negotiations on the Protocol we have just adopted.

We are fully aware of the challenges faced in the quest for consensus during negotiations. As usual, Brazil concentrated its efforts on trying to bridge differences between positions, on the understanding that it is only through consensus that we can achieve the full implementation of international agreements.

Nevertheless, my delegation cannot fail to point out our disappointment at the inclusion of the provision in paragraph 2 of article 4 which, according to our evaluation, runs contrary to the spirit of the agreement. It is of particular concern that an indiscriminate use of this provision could ultimately ruin the purpose of the Protocol. Brazil concurred with that language in the light of the fact that some delegations indicated that their participation in the Protocol was conditioned on those provisions.

We understand that some countries may need to adapt their existing structures before committing to tighter regulations. We are nonetheless confident that all States will act responsibly and prudently in the full and effective implementation of the objective of the Protocol. We are confident that all of us who adopted the Protocol today share that spirit.

Mr. Govrin (Israel): Israel welcomes the adoption of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. This Protocol is part of the ongoing efforts by the international community to address the issue of organized crime and the grave humanitarian problems caused by it. Those efforts culminated in the adoption of the United Nations Convention against Transnational Organized Crime and its supplementary Protocols — the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The current instrument on firearms focuses on another important aspect that has been both source and catalyst of numerous incidents relating to crime and terror.

With respect to the reference to the right of self-determination, we would like to emphasize that while Israel naturally does not object to that right, it believes that the reference to it in the context of this Protocol is not relevant, and that it is both misplaced and inappropriate. Furthermore, the manner in which the

right to self-determination has been referred to is misleading and lacks the appropriate balance given to other rights similarly recognized by the United Nations Charter.

Mr. Rivas (Colombia) (*spoke in Spanish*): In the interest of consensus, Colombia supported the General Assembly's adoption of the Firearms Protocol. Nevertheless, in accordance with what was stated by the Colombian delegation during the negotiation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, our country is not in favour of the wording of article 4, paragraph 2, regarding the scope of the Protocol's application. We would have preferred that the Protocol applied to all transfers of firearms, their parts and components and ammunition, in order that it could truly contribute to preventing and combating their illicit traffic and so that arms transfers among States, just like any other transfer, would be subject to all the control mechanisms provided for under the Protocol.

Today, with the Protocol before the Assembly for its consideration, we wish to reiterate our views with regard to article 4 and, more specifically, about the exception clause contained in paragraph 2. It is necessary to take into account the definition of illicit traffic, in which it is clearly understood that for a transfer to be licit, it requires the authorization of any of the States parties involved in the transfer. An exception clause such as the one contained in article 4 of the Protocol contradicts that definition because it implies that a State can transfer arms without the authorization or consent of any of the interested States. In other words, the inclusion of this clause would make it legally viable for a State to transfer arms to any other party in another State without the latter State being able to intervene in any way in that transfer.

In the opinion of the Colombian delegation, that would not only make that transfer an illicit act under the definition of illicit traffic, but it would also be an act of interference under the Charter of the United Nations and the Convention against Transnational Organized Crime itself. That Convention states that States parties shall fulfil their obligations in accordance with, among other principles contained in the Charter, the principle of non-interference in the internal affairs of other States.

The exception clause also implies that the act of transferring arms to a State without its authorization, an action that is in every respect illicit, could be taken

> "where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations." (A/55/383/Add.2, annex, article 4, para. 2)

That part of the paragraph concerns us even more because it does not explain what measures would be adopted, for what reasons, against whom or how they would be carried out, even though the paragraph says that that would be in accordance with the Charter. Nor are the national security interests to which the clause refers made clear. It does not indicate whether that means the interests of the State taking the action or the interests of the States where the arms are arriving with authorization. Furthermore, we believe that it would run counter the Charter to allow a State to interfere in the internal affairs of other States through the transfer of arms to non-State actors.

All of these issues warrant consideration, since the countries affected by the illicit traffic in arms see no justification, for the sake of the economic and political interests of a few States, to exclude from the control measures set out in the Protocol certain arms transfers, such as transfers between States, which are often diverted through illicit channels, or transfers such as those to non-State actors, which, in the view of the Colombian delegation, constitute a grave offence.

Mr. Coutts (Chile) (*spoke in Spanish*): We welcome the adoption by the General Assembly of this important instrument, which completes the legal framework represented by the Convention and its additional Protocols. We believe that the devastating affects of the manufacturing of and illicit trafficking in firearms undermine good governance and the promotion of human rights, as well as the social and economic development of peoples.

Chile joined the consensus on the adoption of the Protocol. However, our support is subject to an interpretation of paragraph 2 of article 4 of the Protocol, and we reserve the right to make a statement of interpretation at the time of its signing and ratification. It is Chile's understanding that the standard-setting provisions of the Protocol should apply to all transactions and transfers so as to prevent firearms from being diverted and used for criminal

purposes. That is why we believe that paragraph 2 of article 4 is not a constructive contribution. However, we would like to stress that Chile did not stand in the way of consensus, as paragraph 15 of the report of the Ad Hoc Committee in document A/55/383/Add.2 makes clear.

To be absolutely clear, I should like to say that we believe that the concept of national security, as stipulated in paragraph 2 of article 4, should not be used as a pretext for failing to fulfil the obligations under the Protocol, in particular those of a normative nature, such as marking and systems for licensing. In our opinion, such a concept is too broad, and it could lead to abuses. That is why we believe that this must be interpreted in accordance with the letter and the spirit of the Charter.

Mr. Thamrin (Indonesia): During the negotiations on the Firearms Protocol in Vienna earlier this year, my delegation expressed reservations about article 4, paragraph 2, on the scope of application of the Protocol. In my delegation's view, the wording of paragraph 2 is too vague, and we believe that it could open up the possibility of arms transfers being made to non-State actors, which could destabilize sovereign States and endanger their territorial integrity. Despite this reservation, my delegation did not stand in the way of the adoption by consensus of the draft resolution contained in paragraph 33 of document A/55/383/Add.2. However, we reserve our right to make an interpretative statement at the time of signature.

Mr. Lee Kie-cheon (Republic of Korea): My delegation would like to welcome the adoption by the General Assembly of the United Nations Protocol on the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. This Protocol is the hard-won result of two and a half years of intensive negotiation and represents a very meaningful step forward in the effort to combat the illicit manufacturing of and trafficking in firearms. My delegation believes that the Protocol strikes a delicate balance among the diverse interests of Member States. For that reason, the Republic of Korea supports the Protocol and attaches great importance to its adoption by consensus — a move that clearly communicates the determination of the international community to combat transnational organized crime and the illicit proliferation of firearms as a tool of organized crime. It will also give renewed impetus to the ongoing preparations for the forthcoming United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

My delegation also supports the oral correction made by Ambassador Lauriola. We would like to take this opportunity to commend his tireless efforts in successfully chairing the Ad Hoc Committee meetings and completing the drafting of the Protocol. Our thanks also go to his predecessor as Chairman, Ambassador Abe of Japan.

After the adoption of the Protocol, it will be incumbent upon us to effectively translate its provisions into concrete action. In this regard, a concerted effort on the part of the international community will be no less crucial for the implementation of the Protocol than it was for its adoption.

Mr. Wu Haitao (China) (*spoke in Chinese*): First of all, the Chinese delegation would like to welcome the adoption of the Firearms Protocol today. China has consistently advocated the firm suppression of activities relating to the illicit manufacturing of and trafficking in firearms and ammunition, and has supported the strengthening of international cooperation for this purpose and the taking of effective measures in this regard. China actively participated in the negotiations leading to the formulation of this Protocol, and we made our own contribution. We believe that this Protocol will play an important role in strengthening international cooperation for the suppression of the illicit manufacturing of and trafficking in firearms and ammunition.

Because of the different concerns of various countries about this issue, the final Protocol that was negotiated and adopted was the product of compromise. Certain countries had expressed reservations during the process of negotiation in the Ad Hoc Committee. China made clear its own reservations regarding the Protocol, particularly concerning the scope of its application. As we understand it, the Protocol does not apply to State-to-State transactions. China believes that the draft Protocol that was negotiated and agreed by the Ad Hoc Committee should have been kept unchanged so as to avoid any disruption of the consensus reached. Given the fact that the Chairman of the Ad Hoc Committee said that his correction was purely technical and did not constitute a

substantive revision, China does not object to that technical correction.

In view of that position and that understanding, China supported the draft resolution on the adoption of the Firearms Protocol, and joined in the consensus.

Mr. Baeidi Nejad (Islamic Republic of Iran): My delegation would like to express its dissatisfaction at the final process of negotiations on the Protocol on firearms, which took place at Vienna. Unexpectedly, it was suggested that the text of the Protocol be changed after the text had been adopted within the framework of the Vienna negotiations. That is unprecedented, and could give rise to confusion.

Consequently, negotiations continued with a view to solving this problem. After intensive consultations, understandings were reached to correct the text and to clarify certain elements at the time of the adoption of the text by the General Assembly. These points were essential if some States, including mine, were to join in the Assembly's adoption of the Protocol. The main elements that have just been set out by the representative of Japan, Vice-Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, are those that many delegations had expected to hear from the Chairman of the Ad Hoc Committee, as had been agreed before today's meeting was convened.

I express my sorrow that, contrary to the understanding reached before today's meeting, the Chairman of the Ad Hoc Committee, according to him, forgot to clarify those points before the adoption of the text of the Protocol. My delegation still believes that there is a long road ahead of us with respect to the signature, entry into force and implementation of the Protocol. In that context, we need to consolidate our common understanding of the obligations and main concepts of the Protocol, and must not ignore the steps that lie ahead of us.

I would like now to seize this opportunity and take advantage of the presence of the Chairman of the Ad Hoc Committee at today's meeting by asking him to confirm the common understanding just reached by the negotiating parties on the aforementioned points to which the representative of Japan has just made reference, namely, first, that the correction just introduced to the text of the Protocol was made only when consensus was achieved on making such a change; secondly, that the correction does not in any way affect the substance of the Protocol; and thirdly, that this exercise will not set a precedent for future efforts to change or correct a text after it has been finalized.

As I mentioned before, I think that a statement from the Chairman to confirm those points would be highly important to maintain the credibility of our collective efforts and our future endeavours to promote the signature, entry into force and implementation of the Protocol.

Mr. Umer (Pakistan): My delegation had not intended to take the floor following the adoption of the resolution and the Protocol, but, in the light of the extensive interventions that have been made, we feel obliged to state our position as well. In that context, we would like to make the following points.

First, this was an extremely complex and difficult instrument, which was the subject of prolonged and difficult negotiations in Vienna. That should be evident from the fact that three other instruments — the Convention against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air — were approved last year. But more time was needed to reach an understanding on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. That, I think, would indicate and would underscore very clearly the complexity of the task which the Ad Hoc Committee assumed in Vienna on this instrument.

We had thought that, following those difficult negotiations, the Protocol would enjoy smooth sailing at this session of the General Assembly. But in the light of all the statements that have been made, it appears that, as the previous speaker said, we need to have a good common understanding of all the provisions of the Protocol.

Secondly, having said that, because we participated in the consultations, we were naturally happy to go along with the consensus we saw developing in the Assembly. We were, however, perplexed by the interventions that were made on the fourth preambular paragraph of the draft resolution and on the fourth paragraph of the preamble to the Protocol. I am sure that the negotiators in Vienna would inform the Assembly, without any hesitation,

that those elements were included in the text after full and conscious deliberation, and that there was agreement on all those elements, as a package. Had that package not evolved, we do not believe that it would have been possible to reach agreement on either of the two texts. So we are bewildered by statements that have been made expressing serious reservations on those two essential ingredients of the texts.

Thirdly, we believe that article 14 of the Protocol, "Training and technical assistance", is pivotal for the successful entry into force of this body of law. Detailed discussions were held in Vienna on the issue of the necessity of helping developing countries in terms of training and technical assistance, to enable them to assume the onerous responsibilities which these four instruments place upon them. We would like to emphasize what we view as the extreme importance of article 14 of the Protocol.

We too would like to hear the views of the Chairman of the Ad Hoc Committee on the points just raised by the representative of Iran.

Mr. Pal (India): We are pleased that the General Assembly has adopted this resolution on the Firearms Protocol by consensus.

I want to make just one point: that in the negotiations in Vienna, the Indian delegation had expressed its unhappiness over the form which article 4 of the Protocol has taken. These reservations are recorded in paragraph 30 of the report of the Ad Hoc Committee. Let me recall that the Indian delegation had said in Vienna that, in its view, the exclusions foreseen in that paragraph must be viewed only in narrow and precisely defined terms. We are unhappy that the drafting of article 4 is as wide as it is and, as others have said, subject to interpretations that would undermine the very basis of this Protocol.

Again, as paragraph 30 notes, the delegation of India had said then — and I repeat here — that we will enter a reservation to this effect at the time that we sign the Protocol.

The President: We have heard the last speaker in explanation of position.

The preceding statements were made in explanation of position. This is not a discussion; that is why, even though some questions have been raised, this is not the time for questions and answers.

I give the floor to the representative of the Islamic Republic of Iran on a point of order.

Mr. Baeidi Nejad (Islamic Republic of Iran): It is not our intention to make this meeting into a question-and-answer exercise, but I tried to explain in my intervention that we had reached an understanding, before the adoption of this resolution by the Assembly, that a statement would be made by the Chairman of the Ad Hoc Committee to clarify some elements, which I explained in my intervention. The Ambassador of Pakistan just now elaborated further on the fact that these points were duly negotiated with great interest in Vienna. However, we have not heard from the Chairman of the Ad Hoc Committee. My delegation believes that we need to hear that statement, because that was part of the understanding.

As I said, this is the first step towards the implementation of the Protocol. We want to be very clear from the first step and duly inform our Governments about the understandings that have been reached in this Assembly. We would suggest, therefore, that, if the Chairman of the Ad Hoc Committee is not able to make a statement, we keep this agenda item open for further discussion, maybe tomorrow or next week. We could debate this agenda item further to clarify those points, which are essential for many delegations.

The President: I give the floor to the representative of Japan on a point of order.

Mr. Abe (Japan): I deeply appreciate your generosity in giving me the floor, Mr. President. With all due respect, I understand your intention to limit the current proceeding of the General Assembly to statements made in explanation of vote, but I wish to seek your indulgence to give the floor to the Chairman of the Ad Hoc Committee, who is the officer who worked on this Protocol, in whatever context — either to respond to the questions raised, or as an extension of his initial remarks. Either way, I seek your indulgence to give the floor to Mr. Luigi Lauriola.

The President: Will delegations allow me to give the floor to the Chairman of the Ad Hoc Committee, even though the debate has already been closed?

I hear no objection.

I call on the Chairman of the Ad Hoc Committee.

Mr. Lauriola (Italy), Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: I will be very brief. I can confirm *in toto* what the Japanese Vice-Chairman has said: first, that this correction does not change the substance at all; secondly, that it was reached by consensus, after consultations; and thirdly, that it should not be considered a normal step, but an exceptional step. I can thus, by virtue of the authority given to me as the Chairman, confirm what he said. That is all.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 105?

It was so decided.

Agenda item 179 (*continued*)

Review of the problem of human immunodeficiency virus/acquired immunodeficiency syndrome in all its aspects

Draft resolution (A/55/L.83)

The President: The Assembly will now take a decision on draft resolution A/55/L.83 entitled "Provisional agenda of the twenty-sixth special session of the General Assembly.

May I take it that the Assembly decides to adopt draft resolution A/55/L.83.

Draft resolution A/55/L.83 was adopted (resolution 55/256).

The President: We have thus concluded this stage of our consideration of agenda item 179.

The meeting rose at 5.30 p.m.